

### **REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 1, 5-9 and 14-18 are currently pending in this application.

#### **Regarding the Non-Final Office Action**

In the Office Action dated September 25, 2006, the Examiner:

- (a) rejected claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by the applicant's admitted prior art (APAA);
- (b) rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the APAA in view of either Rozmus (3,490,317) or Kress (1,957,462);
- (c) rejected claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102 as being anticipated by Deibert (4,336,728); and
- (d) rejected claims 6 and 14 under 35 U.S.C. § 103(a) as being obvious over Deibert as applied to claims 1 and 9 and further in view of Rozmus or Kress.

Applicant traverses the rejections for at least the following reasons.

#### **Claim Amendments**

Applicant has amended independent claims 1 and 9 to more appropriately define the present invention. Support for this amendment can be found in the original specification at, for example, paragraphs 52 and 55-57 and at Figures 1-5 and 7-9. For example, Figure 1 illustrates an exemplary continue bridge 16 defined in web 17.

Exemplary continue bridge 17 is further disclosed in paragraph 52, which reads "[a]so defined in the web 17 is a compartment 15 that is substantially L-shape and includes an inner end communicated with the cavity 14 and an outer end communicated with outside, thereby leaving a bridge 16 on the web 17." Applicant hereby addresses the Examiner's rejections in turn.

**Rejection of Claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102(b)**

Applicant traverses the rejection of claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by the APAA.

In order to properly establish anticipation under 35 U.S.C. § 102, the Federal Circuit has held that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *See also* M.P.E.P. § 2131.

The APAA does not disclose each and every element of Applicant's claims, as amended. Particularly, the APAA does not disclose at least applicant's claimed "continue bridge disposed within the web defined between the first end of the compartment and the second end of the compartment" according to independent claim 1. Neither does the APAA disclose "a sliding pawl mounted in the cavity and including a first side with a plurality of ratchet teeth and a second side with a recess, the second

side opposed from the first side . . . [and a] biasing means operable to act in a direction that is coaxial with a central axis of the receptacle to urge the ratchet teeth of said pawl into engagement with the teeth of said drive member.” Similar limitations are found in amended independent claim 9. In contrast to the biasing means of the claimed invention, the APAA discloses a biasing means operating at a 90 degrees angle to the receptacle. Thus, the APAA does not anticipate amended independent claims 1 or 9.

Independent claims 1 and 9 are therefore allowable, and dependent claims 5-8 and 18 are also allowable at least by virtue of their direct or indirect dependence from base claim 1. Dependent claims 14-17 are also allowable at least by virtue of their respective direct or indirect dependence from base claim 9.

**Rejection of Claims 6 and 14 under 35 U.S.C. § 103(a)**

In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

M.P.E.P. § 2143.

Applicant traverses the rejection of claims 6 and 14 under 35 U.S.C. § 103(a) as obvious over the APAA in view of either Rozmus or Kress. Claims 6 and 14 depend respectively from independent claims 1 and 9. As stated above, the APAA fails to disclose, teach or suggest the claimed bridge or “a sliding pawl mounted in the cavity

and including a first side with a plurality of ratchet teeth and a second side with a recess, the second side opposed from the first side . . . [and a] biasing means operable to act in a direction that is coaxial with a central axis of the receptacle to urge the ratchet teeth of said pawl into engagement with the teeth of said drive member.” Neither Rozmus nor Kress make up for those deficiencies in the APAA, as they do not disclose the claimed bridge or the claimed sliding pawl and biasing means. Therefore, for at least those reasons, the APAA in combination with either Rozmus or Kress fails to render claims 6 and 14 obvious under 35 U.S.C. 103(a).

**Rejection of Claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 5, 7-10, 13, and 15-18 under 35 U.S.C. § 102(b) as anticipated by Deibert. The Examiner contends that Deibert teaches all of the limitations of those claims, but the Examiner acknowledges that Deibert fails to teach a sliding pawl. The Examiner contends that a sliding pawl would be “obvious to one of ordinary skill in the art, in enhancing the operation” of the invention. First, as the Examiner must recognize, in order to anticipate under 35 U.S.C. § 102(b) the asserted prior art must show each and every claim limitation. The Examiner acknowledges that Deibert fails to disclose a sliding pawl. See, e.g., *Verdegaal Bros.*, 814 F.2d at 631. Thus, the anticipation rejection over Deibert must fail for at least that reason.

Second, even if the Examiner would allege that Deibert renders claims 1, 2, 5, 7-10, 13, and 15-18 obvious under 35 U.S.C. § 103(a), the Examiner has failed to make a *prima facie* showing because the Examiner may not simply rely on assertions that modifications are well known in the art. “It would not be appropriate for the examiner to

take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. " MPEP § 2144.03. Applicant submits that the use of sliding pawls in combination with the other claimed elements in claims 1, 2, 5, 7-10, 13, and 15-18 is not common knowledge and requests that if the Examiner were to make such a rejection in future office actions that the Examiner support the rejection with adequate evidence. See MPEP § 2144.03.

As the Examiner admits that Deibert does not disclose each and every element of claims 1, 2, 5, 7-10, 13, and 15-18, Applicant respectfully submits that the Examiner's rejection of those claims as anticipated by Deibert is improper and has been overcome.

**Rejection of Claims 6 and 14 under 35 U.S.C. 103(a)**

Applicant traverses the rejection of claims 6 and 14 under 35 U.S.C. § 103(a) as obvious over Deibert in view of either Rozmus or Kress. Claims 6 and 14 depend respectfully from independent claims 1 and 9. Neither Deibert, Rozmus, nor Kress discloses, teaches, or suggests the claimed bridge nor "a sliding pawl mounted in the cavity and including a first side with a plurality of ratchet teeth and a second side with a recess, the second side opposed from the first side . . . [and a ] biasing means operable to act in a direction that is coaxial with a central axis of the receptacle to urge the ratchet teeth of said pawl into engagement with the teeth of said drive member." For at least that reason, claims 6 and 14 are patentable over Deibert in view of either Rozmus or Kress.

**Conclusion**

In view of the foregoing amendments to claims 1 and 9 and the remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims. The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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